

**DEC 12 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON**  
**U.S. COURT OF APPEALS**

MARCUS D. MCANALLY, JR.,

Plaintiff - Appellant,

v.

CLARK COUNTY; GREG FRANKLIN;  
GARY HOUK; RON LYNN; ROBERT  
WEBER,

Defendants - Appellees.

No. 02-17160

D.C. No. CV-00-00880-LRH

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Larry R. Hicks, District Judge, Presiding

Submitted December 4, 2003\*\*  
San Francisco, California

Before: BRIGHT, D.W. NELSON, and RYMER, Circuit Judges.

---

\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Appellant Marcus McAnally, Jr. appeals the district court's grant of defendants' motions for summary judgment on McAnally's claim for deprivation of constitutional rights pursuant to 42 U.S.C. § 1983 and his state law tort claims. We affirm based on the reasoning of the district court and further hold that the district court did not abuse its discretion in asserting supplemental jurisdiction over McAnally's state law claims. *See Acri v. Varian Assoc., Inc.*, 114 F.3d 999, 1000 (9th Cir. 1997); *Schneider v. TRW, Inc.*, 938 F.2d 986, 994 (9th Cir. 1991).

The judgment of the district court is AFFIRMED.